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OFFICE OF PETITIONS

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In re Application of	:	
Jim Spelman	:	
Application No. 09/814,210	:	
Filed: March 21, 2001	:	DECISION ON PETITION
Attorney Docket No. SJM-	:	UNDER 37 C.F.R. § 1.137(B)
10002/15	:	
Title: HAND-HELD PLACARD	:	
DISPLAY INCORPORATING A	:	
PLURALITY OF INDIVIDUAL	:	
MESSAGES MOUNTED IN A CIRCULAR	:	
BINDING FASHION	:	

This is a decision on the petition filed June 4, 2007, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed October 3, 2003, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 4, 2004. A notice of abandonment was mailed on April 12, 2004.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, a notice of appeal along with the associated fee, an appeal brief along with the associated fee, a terminal disclaimer along with the associated fee, and the proper statement of unintentional delay.

Petitioner has met the first three requirements of Rule 1.137(b). The fourth requirement is not applicable, as a terminal disclaimer is not required. As such, the terminal disclaimer has not been entered, and the fee that is associated with the filing of the same will be credited to Petitioner's Deposit Account in due course.

The petition under 37 C.F.R. § 1.137(b) is **GRANTED**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the Appeal Brief that was concurrently submitted with this petition can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - the Office of Petitions cannot effectuate a change of status.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225¹. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
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Office of Petitions

cc: Douglas J. McEvoy
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¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.